

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANTHONY ZAMORA,

4 Plaintiff

5 v.

6 JAMES DZURENDA et al.,

7 Defendants

Case No. 3:18-cv-00483-MMD-CBC

ORDER

| | |
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| COUNSEL/PARTIES OF RECORD | |
| NOV - 6 2018 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |

9 I. DISCUSSION

10 On October 11, 2018, Plaintiff, a prisoner in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On October 16,
13 2018, this Court issued an order denying the application as incomplete and directed
14 Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full
15 filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently
16 filed an application to proceed *in forma pauperis* and a properly executed financial
17 certificate. (ECF No. 4). Plaintiff did not file an inmate account statement. As such, this
18 application is also incomplete.

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
20 application to proceed *in forma pauperis* and attach both an inmate account statement
21 for the past six months and a properly executed financial certificate. Plaintiff has not
22 submitted an inmate account statement. (See ECF No. 4). The Court will retain Plaintiff's
23 civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of
24 the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the
25 deficiencies of his application to proceed *in forma pauperis* by filing an inmate account
26 statement, or in the alternative, pay the full filing fee for this action. If Plaintiff fails to file
27 an inmate account statement, the Court will dismiss the case in its entirety, without
28 prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to

1 file a complete application to proceed *in forma pauperis*.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
4 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
5 as the document entitled information and instructions for filing an *in forma pauperis*
6 application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
8 Plaintiff will either: (1) file an inmate account statement in compliance with 28 U.S.C. §
9 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
10 fee and the \$50 administrative fee).

11 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
12 statement, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case
13 when he is able to acquire the necessary documents to file a complete application to
14 proceed *in forma pauperis*.

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16 DATED THIS 6th day of November 2018.

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UNITED STATES MAGISTRATE JUDGE